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6 IN THE UNITED STATES DISTRICT COURT  
7 FOR THE DISTRICT OF ARIZONA  
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9 David Normann, an individual, )

10 Plaintiff, )

11 vs. )

12 Rassier Properties-Mercado, LLC, a )  
13 Delaware limited liability company, dba )  
Mercado at Scottsdale Ranch, )

14 Defendant. )  
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No. CV-08-00803-PHX-LOA

**NOTICE OF ASSIGNMENT  
AND ORDER**

16 Pursuant to Local Rule ("LRCiv") 3.8(a), Rules of Practice, effective  
17 December 1, 2007, all civil cases are, and will be, randomly assigned to a U.S. district  
18 judge or to a U.S. magistrate judge. This matter has been assigned to the undersigned U.S.  
19 Magistrate Judge.

20 As a result of the aforesaid Local Rule and assignment, if all parties consent  
21 in writing, the case will remain with the assigned magistrate judge pursuant to 28 U.S.C.  
22 636(c)(1) for all purposes, including trial and final entry of judgment. If any party  
23 chooses the district judge option, the case will be randomly reassigned to a U.S. district  
24 judge. To either consent to the assigned magistrate judge or to elect to have the case  
25 heard before a U.S. district judge, the appropriate section of the form, entitled Consent To  
26 Exercise Of  
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Jurisdiction By United States Magistrate Judge<sup>1</sup>, must be completed and signed. The party filing the case or removing it to this Court is responsible for serving all parties with the consent forms. Each party must file a completed consent form and certificate of service with the Clerk of the Court not later than 20 days after entry of appearance, and must serve a copy by mail or hand delivery upon all parties of record in the case.

Any party is free to withhold consent to magistrate judge jurisdiction without adverse consequences. 28 U.S.C. 636(c)(2); Rule 73(b), Fed.R.Civ.P.; *Anderson v. Woodcreek Venture Ltd.*, 351 F.3d 911, 913-14 (9<sup>th</sup> Cir. 2003) (pointing out that consent is the "touchstone of magistrate judge jurisdiction" under 28 U.S.C. §636(c). "A party to a federal civil case has, subject to some exceptions, a constitutional right to proceed before an Article III judge." *Dixon v. Ylst*, 990 F.2d 478, 479 (9<sup>th</sup> Cir. 1993) (citing *Pacemaker Diagnostic Clinic of Am. Inc. v. Instromedix, Inc.*, 725 F.2d 537, 541 (9<sup>th</sup> Cir. 1984) (*en banc*)).

A review of the Court's file indicates that the parties have filed a Stipulation to Extend Time for Answering Complaint. (docket #7)

It is unknown if a copy of the appropriate consent form, electronically transmitted to Plaintiff's counsel on April 29, 2008 by the Clerk, was served with the Complaint and Summons upon Defendant per the written instructions from the Clerk.

**IT IS ORDERED** that Defendant Rassier Properties-Mercado, LLC shall execute and file no later than **June 5, 2008** either a written consent to the exercise of authority by the magistrate judge or a written election to have the case reassigned to a United States district judge.

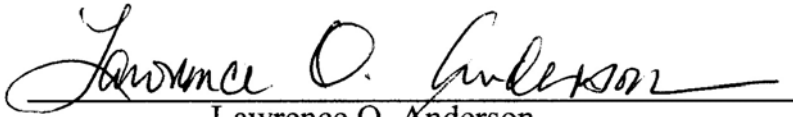
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<sup>1</sup>The consent/election form may be obtained directly from the Clerk of the Court or by accessing the District of Arizona's web site at [www.azd.uscourts.gov](http://www.azd.uscourts.gov). To find the consent/election form on the District's web site, click on "Local Rules" at the top of the page, then click on "Forms" on the left side of the page and then click on and print the appropriate form.

1                   **IT IS FURTHER ORDERED** that counsel and any party, if  
2 unrepresented, shall hereinafter comply with the Rules of Practice for the United States  
3 District Court for the District of Arizona, as amended on December 1, 2007. The  
4 District's Rules of Practice may be found on the District Court's internet web page at  
5 [www.azd.uscourts.gov/](http://www.azd.uscourts.gov/). All other rules may be found as [www.uscourts.gov/rules/](http://www.uscourts.gov/rules/). The  
6 fact that a party is acting pro se does not discharge this party's duties to "abide by the  
7 rules of the court in which he litigates." *Carter v. Commissioner of Internal Revenue*, 784  
8 F.2d 1006, 1008 (9<sup>th</sup> Cir. 1986).

9                   **IT IS FURTHER ORDERED** that counsel and any party, if  
10 unrepresented, shall use the above caption, number and initials until further order of the  
11 Court.

12                   DATED this 15<sup>th</sup> day of May, 2009.

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14                   Lawrence O. Anderson  
15                   United States Magistrate Judge  
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